

**REMARKS/ARGUMENTS**

Upon entry of the above amendment, claims 17, 23, 26, 29, 30, and 31 will have been amended for consideration by the Examiner. In view of the above, Applicant respectfully requests reconsideration of the outstanding rejections of all the claims pending in the present application. Such action is respectfully requested and is now believed to be appropriate and proper.

Initially, Applicant thanks the Examiner for the detailed Official Action he provided.

Turning to the merits of the action, claims 17-20, 23, 24, 26, and 29-31 stand rejected under 35 U.S.C §102(e) as being anticipated by U.S. Patent No. 5,727,135 to WEBB et al. In this regard, Applicant notes that item 3 of the Detailed Action specifies that claims 17-20 and 29 are rejected over WEBB et al., but that the action then discusses the rejection of claims 23, 24, 26, 30 and 31 in addition to the indicated claims 17-20 and 29. Thus, Applicant believes that the Examiner intended to indicate that claims 17-20, 23, 24, 26 and 29-31 are rejected under 35 U.S.C. §102 over WEBB et al., and requests confirmation of this by the Examiner.

Further, with respect to claims 20 and 29, the Examiner refers to status “Cromer-teaches”. Applicant believes that the Examiner intended to state ---WEBB teaches---, and requests confirmation of this in the next official communication.

Claims 22, 25, 27, and 28 stand rejected under 35 U.S.C §103(a) as being unpatentable over WEBB et al. in view of U.S. Patent No. 7,012,708 to TAMARU et al.

Applicant respectfully traverses both grounds of rejection for the reasons to be discussed below.

As noted above, Applicant has amended claims 17, 23, 26, 29, 30, and 31 for the Examiner's consideration. Applicant respectfully traverses the above rejections based on the pending claims, and will discuss the rejections with respect to the pending claims in the present application, as will be set forth hereinbelow.

Applicant's invention, as defined by the claims, generally relate to a transmitting apparatus which communicates with a receiving apparatus. According to a disclosed embodiment of the presently claimed invention, the receiving apparatus exchanges data with a monitoring apparatus that monitors a status of the receiving apparatus. The monitoring apparatus is distinct from the receiving apparatus. The transmitting apparatus includes a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, and a memory that stores the status information of the receiving apparatus. The transmitting apparatus further includes a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. The controller notifies a user of the transmitting apparatus of the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. The controller additionally transmits the data to the receiving apparatus when it is determined that the receiving apparatus is

available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

With respect to the rejection of claims 17-20, 23, 24, 26 and 29-31 under 35 U.S.C. §102(e), Applicant submits that WEBB et al. relate to a system in which bidirectional communications are performed between a host computer and a selected printer. A user of the host computer accesses, at the host computer, a replica of the operator panel of the selected printer to monitor the status of the selected printer from the display of the host computer.

Applicant submits that WEBB et al. fail to disclose a receiver that receives, from the monitoring apparatus, status information of the receiving apparatus, the monitoring apparatus being distinct from the receiving apparatus. Applicant submits that in WEBB et al., the host computer receives from the printer the status of the printer, and transmits print data to the printer. Thus, Applicant submits that in WEBB et al., when the printer is turned OFF, the host computer cannot receive, from the printer, the status of the printer. On the other hand, the present invention teaches that the transmitting apparatus receives, from the monitoring apparatus, status information of the receiving apparatus regardless of the status of the receiving apparatus, since the monitoring apparatus is distinct from the receiving apparatus.

For the same reason, Applicant also submits that WEBB et al. fail to disclose a controller that checks the status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when

destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus. Instead, Applicant submits that in WEBB et al., the host computer accesses the printer to receive, from the printer itself, the status of the printer.

Applicant additionally submits that WEBB et al. fail to disclose a controller that transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Instead, Applicant submits that WEBB et al. merely teaches to display a replica of the operator panel of the selected printer at the host computer in order to monitor the status of the selected printer at the display of the host computer.

On other hand, the presently claimed invention, as defined by independent claims 17 and 29, is directed to a transmitting machine which checks status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus, when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies, to a user of the transmitting machine, the status information of a receiving machine prior to (e.g., before) transmitting the transmitting data to the receiving machine. The transmitting apparatus transmits the data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. In the presently claimed

invention, the monitoring apparatus is distinct from the receiving apparatus. As a result, the user of the transmitting machine of the present invention can, for example, avoid transmitting the transmitting data to a receiving machine which can not receive the transmitting data. Applicant submits that WEBB et al. fails to teach or even suggest at least these features of the presently claimed invention.

Accordingly, Applicant submits that WEBB et al. fail to anticipate the presently claimed invention, as WEBB et al. fails to teach each and every feature recited in Applicant's claims.

In the view of the above, Applicant submits that the ground for the 35 U.S.C. §102(e) rejection of claims 17-20, 23, 24, 26 and 29-31 no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

With respect to the rejection of claims 22, 25, 27, and 28 under 35 U.S.C. §103(a), Applicant submits that TAMARU et al. fail to disclose that which is lacking in WEBB et al. TAMARU et al. is directed to a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus and that transmits, to the receiving Internet facsimile apparatus, a predetermined notice indicating that the transmitting Internet facsimile apparatus has transmitted the e-mail directed to the receiving Internet facsimile apparatus. As the Examiner acknowledged in the Office Action of June 8, 2007, TAMARU et al. merely teaches that an IFAX on a transmitting end transmits a mail transmission notice to an IFAX at the receiving end.

Applicant submits that TAMARU et al. fail to disclose (or even suggest) a controller that checks status information of a receiving apparatus stored in a memory of a transmitting apparatus without accessing a monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and notifies, to a user of the transmitting apparatus, the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus. Instead, Applicant submits that TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits, to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. fails to teach, for example, checking status information of the receiving apparatus stored in the memory of the transmitting apparatus without accessing the monitoring apparatus when destination information of the receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, as well as notifying the status information of the receiving apparatus prior to the transmission of the transmitting data to the receiving apparatus.

Further, Applicant submits that TAMARU et al. fails to disclose (or even suggest) a controller that transmits data to the receiving apparatus when it is determined that the receiving apparatus is available, based on status information of the receiving apparatus stored in the memory of the transmitting apparatus. Rather, Applicant submits that TAMARU et al. merely disclose a transmitting Internet facsimile apparatus that transmits,

to a mail server via the Internet, an e-mail directed to a receiving Internet facsimile apparatus as well as transmits, to the receiving Internet facsimile apparatus, a mail transmission notice. Thus, Applicant submits that TAMARU et al. fails to disclose or suggest the transmission of data to the receiving apparatus when it is determined that the receiving apparatus is available, based on the status information of the receiving apparatus stored in the memory of the transmitting apparatus. Applicant thus submits that TAMARU et al. does not contain any disclosure about the features of the present invention, nor are such features suggested by the applied document.

Accordingly, Applicant submits that even if one attempted to combine the teaching of WEBB et al. with the teaching with TAMARU et al., in the manner suggested by the Examiner, one would fail to arrive at the presently claimed invention, as such a combination would lack, at least, a transmitting apparatus that checks status information of a receiving apparatus stored in a memory without accessing a monitoring apparatus (the monitoring apparatus being distinct from the receiving apparatus) when destination information of a receiving apparatus is input for a transmission of transmitting data to the receiving apparatus, and further, notifies the user of the transmitting apparatus of the status information of the receiving apparatus prior to (before) a transmission of the transmitting data to the receiving apparatus. Further, Applicant submits that such a combination would also lack, at least, a transmitting apparatus which transmits data to the receiving apparatus when it is determined that the receiving apparatus is available, based

on the status information of the receiving apparatus stored in the memory of the transmitting apparatus.

Therefore, Applicant submits that the suggested combination of WEBB et al. and TAMARU et al. fails to render the presently claimed invention, as defined by claims 22, 25, 27, and 28 obvious, and thus, respectfully requests that the 35 U.S.C. §103(a) rejection of claims 22, 23, 27 and 28 be withdrawn.

In view of the above, Applicant respectfully requests reconsideration and withdrawal of the outstanding rejections and an indication of the allowability of all the claims pending in the present application in due course.



### **SUMMARY AND CONCLUSION**

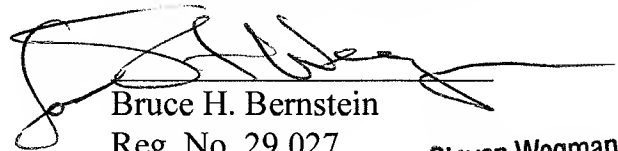
Applicant has made a sincere effort to place the present application in condition for allowance and believes that he has done so. Applicant has amended the rejected claims for consideration by the Examiner. With respect to the pending claims, Applicant has pointed out patentable features thereof and has contrasted features of the pending claims with the disclosures of the references. Applicant has provided a clear evidentiary basis supporting the patentability of all the claims in the present application, and respectfully requests an indication of the allowability of all the claims pending in the present application in due course.

Any amendments to the claims which have been made in this amendment, and which have not been specifically noted to overcome a rejection based upon the prior art, should be considered to have been made for a purpose unrelated to patentability, and no estoppel should be deemed to attach thereto.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

Should the Examiner have any questions or comments regarding this response, or the present application, the Examiner is requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,  
Takefumi WAKABAYASHI

A handwritten signature in black ink, appearing to read 'Bruce H. Bernstein', is written over a horizontal line.

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